



Entered on Docket
February 12, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Hearing Date: December 20, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

ORDER

Pending before the Court is the USACM Liquidating Trust's Motion for Summary Judgment Regarding Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting a Priority Status ("Motion") [DE 4291]. The Motion requests an order reclassifying that portion of Proof of Claim No. 10725-01739 filed by Larry and Patsy Rieger that seeks priority status as a general unsecured claim. The Court finds that there are material facts in dispute that preclude the entry of summary judgment. Accordingly,

IT IS ORDERED denying the Motion.

#

PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

APPROVED:

OFFICE OF THE U.S. TRUSTEE

August B. Landis, Esq.
Scott A. Farrow, Esq.
300 Las Vegas Boulevard, Suite 4300
Las Vegas, NV 89101

Larry Rieger

Patsy Rieger

ORDER

Pending before the Court is the USACM Liquidating Trust's Motion for Summary Judgment Regarding Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting a Priority Status ("Motion") [DE 4291]. The Motion requests an order reclassifying that portion of Proof of Claim No. 10725-01739 filed by Larry and Patsy Rieger that seeks priority status as a general unsecured claim. The Court finds that there are material facts in dispute that preclude the entry of summary judgment. Accordingly,

IT IS ORDERED denying the Motion.

###

PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

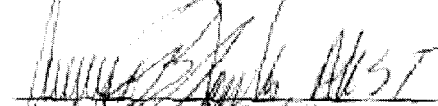
Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

APPROVED:

OFFICE OF THE U.S. TRUSTEE



August B. Landis, Esq.

Scott A. Farrow, Esq.

300 Las Vegas Boulevard, Suite 4300

Las Vegas, NV 89101

Larry Rieger

Patsy Rieger

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

August Landis (Approved)
Office of the U.S. Trustee

Larry Rieger (Disapproved)
Claimant

Patsy Rieger (Disapproved)
Claimant

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust